Remarks/Arguments

Claims 1-8 are currently pending in the application. No amendment to the specification or claims has been made.

Claims 1-8 stand rejected under 35 U.S.C. 102(e) as being anticipated by Krishnan (U.S. Pat. No. 6,073,124). This rejection is respectfully traversed for the reasons discussed below.

At the outset, Applicants must restate their concern over the extended prosecution that has occurred in this application. The Patent Office has now had five opportunities to search the subject matter of the claims and has on each occasion, where a response has been filed, withdrawn the rejections. In each case there has been no substantive amendment of the claims. While some of this may be attributable to the fact that the Examiner has changed over the course of the prosecution, the extended prosecution has reached a point where the Applicants have incurred unnecessary costs and have been treated in a manner that is inconsistent with the Patent Office policy of expedited prosecution.

The Examiner has cited Figure 2, the summary, Column 6 line 44 to column 7 line 43, and column 8 line 26 to column 10 line 55 of Krishnan for allegedly teaching each and every element of claims 1-8. However, Applicants submit that such is not the case. With reference to the summary, Figure 2, and column 6 line 44 to column 7 line 43, it is submitted that Krishnan does not teach or suggest any of (A) the concurrent displaying of purchasing information with the downloading of encoded digital content (claims 1 and 8), (B) the identifying and encrypting by a broker computer of digital content files at a merchant computer web site (claim 4), or (C) the storing of encrypted and unencrypted digital content product at a first computer together with the downloading of the encrypted digital content upon request to a second computer and the dynamic encryption and downloading of the unencrypted digital content product to the second computer upon request (claim 7).

Column 6 line 44 to column 7 line 43 of Krishnan describes a Secure Digital Commerce System (DCS) where, for example, a user via a web page 202 can select to purchase a digital content product ("Return of Arcade") by selecting icon 203 (Col. 6 line 44 to col. 7 line 5). Col. 7 lines 5 to 43 then describe that the DCS includes a DCS Server that downloads to a DCS Client an encrypted copy of the selected digital content item and various components needed to license and purchase the merchandise and to unsecure (decrypt) and execute the licensed materials. There is simply no discussion in Krishnan of the limitations (A), (B), or (C), as set forth in the previous paragraph.

Column 8, line 26 to column 10 line 55 of Krishnan provides further details of the DCS but also does not teach or suggest the limitation of claims 1, 4, and 7 discussed above. With reference to Figure 3 of Krishnan, the DCS client 301 includes a customer computer system 311 which interfaces with a virtual store 304 via a web browser application 303. The virtual store provides to the computer 311 download files 313 which each have a boot program and a component list. The boot program uses the component list to permit the computer 311 to

obtain the secure digital content from the content supplier server 306 of the DCS Server 302. The download files (boot program and component lists) are stored in repository 305. The DCS server also includes a licensing and purchasing broker 307, a payment processing function 309, and a password generation repository, none of which relate to the digital content product except to the extent a licensing certificate is used to authorize use of the digital content product at the computer 311.

The content server 306 stores secure digital content product and not both encrypted and unencrypted digital content product as set forth in claim 7. Further, Krishnan never discusses dynamically encrypting digital content product being sent from a first computer to a second computer as recited in claim 7. Krishnan only discusses the downloading of an encrypted digital content product. Krishnan does discuss at column 8 lines 55-58 that the download files 313 can be generated dynamically, but this is not the same as dynamically encrypting the digital content product.

Claim 4 provides the capability for a broker computer to encrypt files at a merchant computer. Krishnan does not teach or suggest this feature. In the Krishnan system the client computer 311 uses the downloaded files 313 to identify the digital content product to the content supplier server 306, but there is no discussion of a broker computer identifying and encrypting files at the content server 306.

Finally, Applicants submit that Krishnan does not teach or suggest displaying purchasing information at the buyer computer while concurrently downloading the encoded digital content product into the buyer computer (claims 1 and 8) or downloading the encoded digital content product into the computer while concurrently decoding the digital content product and displaying the decoded digital content product.

In view of the above comments, it is submitted that independent claims 1, 4, 7, and 8 are neither anticipated by nor rendered obvious in view of Krishnan. Further, it is submitted that claims 2-3 and 5-6 are patentable based on their respective dependencies from claims 1 and 4 as well as for the specifically recited limitations set forth in each.

It is submitted that the application is in condition for allowance. Reconsideration of the rejection is respectfully requested and, particularly in view of the extended prosecution in this case, an early notice of allowance is earnestly solicited.

In view of the foregoing amendments and remarks, it is respectfully submitted that the claims of this application are now in a condition for allowance and favorable action thereon is requested.

Respectfully submitted,

Steven J. Shapiro
Reg. No. 35,677
Attorney of Record
Telephone (203) 924-3880

PITNEY BOWES INC.
Intellectual Property and
Technology Law Department
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484-8000